REMARKS

The Office Action mailed September 22, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1-9, 11-14, 16, and 19-20 have been amended. No new matter has been added.

The rejection of Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Mikurak (U.S. Pat. No. 6,606,744) in view of Fujino et al. (U.S. Patent No. 6,691,023) is respectfully traversed.

Applicants respectfully submit that Fujino et al. does not qualify as prior art under 35 U.S.C. §103(a) because Fujino et al. is not prior art under 35 U.S.C. §102. More specifically, for a reference to qualify as prior art under 35 U.S.C. §103(a), the reference must qualify as prior art under 35 U.S.C. §102. *In re Oetiker*, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) (MPEP §2144.08). Accordingly, Applicants respectfully submit that because Fujino et al. has a filing date of March 6, 2001, which is after the priority date of the current application, Fujino et al. is not prior art under 35 U.S.C. §102.

Moreover, Applicants further submit that Fujino et al. is not prior art under 35 U.S.C. §102(e) because the invention in the above-referenced utility patent application was not described in Fujino et al. before the invention by the Applicants. Under 35 U.S.C. §102(e)(2), Applicants shall be entitled to a patent unless the invention was described in a patent granted on an application filed in the United States before the invention by the Applicants for patent (MPEP §706.02). Applicants respectfully submit that the invention in the above-referenced utility patent application was not described in Fujino et al. before the invention by the Applicants because, as explained below, the earliest effective filing date of Fujino et al. is after the effective filing date of the above-referenced utility patent application. Specifically, the effective filing date of the above-referenced utility patent application is January 7, 2000 because the above-referenced utility patent application claims benefit to a U.S. provisional application filed on January 7, 2000. If a U.S. application properly claims benefit under 35 U.S.C. §119(e) to a provisional application, the effective filing date of the U.S. application is a filing date of the provisional application (MPEP §706.02). The above-

referenced utility patent application properly claims benefit under 35 U.S.C. §119(e) to the U.S. provisional application with serial number 60/175,178, filed on January 7, 2000. Accordingly, Applicants respectfully submit that the effective filing date of the above-referenced utility patent application is January 7, 2000.

Applicants respectfully submit that the earliest effective filing date of Fujino et al. is May 9, 2000 if a continuation-in-part application to which Fujino et al. claims benefit properly supports subject matter in Fujino et al.. A 35 U.S.C. §102(e) date of a reference that did not claim the benefit of an international application is its earliest effective U.S. filing date resulting from any proper benefit claims to prior U.S. applications under 35 U.S.C. §119(e) or 120 (MPEP §706.02(f)(1)). Applicants note that Fujino et al. claims the benefit of the continuation-in-part application with serial number 09/579,908, filed on May 25, 2000.

Moreover, Applicants respectfully submit that May 26, 1999 is not the earliest effective filing date of Fujino et al. Foreign applications' filing dates that are claimed via 35 U.S.C. §119(a)-(d), (f), or 365(a) in applications, which have been published in the U.S. or patented in the U.S. may not be used as 35 U.S.C. §102(e) dates for prior art purposes (MPEP §706.02(f)(1)). The continuation-in-part application claims priority to a Japanese application filed May 26, 1999 (Fujino et al., column 1, lines 5, 6). Applicants respectfully submit that the filing date of the Japanese application, which is a foreign application, may not be used as a 35 U.S.C. §102(e) date for prior art purposes. Therefore, May 26, 1999 is not the earliest effective filing date of Fujino et al. Accordingly, Applicants respectfully submit that if the continuation-in-part application supports subject matter disclosed in Fujino et al., the earliest effective filing date of Fujino et al. is May 25, 2000.

The earliest effective filing date of May 25, 2000, is not before the effective filing date, January 7, 2000, of the above-referenced utility patent application. Accordingly, Applicants respectfully submit that the invention in the above-referenced utility patent application was not described in Fujino et al. before the invention by the Applicants. Hence, Fujino et al. is not prior art under 35 U.S.C. §102(e).

Applicants respectfully submit that Fujino et al. is not prior art under 35 U.S.C. §102(a) because Fujino et al. do not have a publication date earlier in time than the effective

filing date, January 7, 2000, of the above-referenced utility patent application. For 35 U.S.C. §102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application (MPEP §706.02(a)). The earliest publication date of Fujino et al. is December 26, 2001, which is not earlier in time than the effective filing date of the above-referenced patent application. Accordingly, Applicants respectfully submit that Fujino et al. is not prior art under 35 U.S.C. §102(a).

Fujino et al. is not prior art under 35 U.S.C. §102(b) because Fujino et al. was not published more than one year prior to the date of the above-referenced utility patent application, January 7, 2000, for patent in the United States. Publications...must occur more than one year prior to the date of application for patent in the United States to bar a patent under 35 U.S.C. §102(b) (MPEP §2133). The earliest publication date of Fujino et al. is December 6, 2001, which is not more than one year prior to the date of application in the United States of the above-referenced utility patent application. Accordingly, Applicants respectfully submit that Fujino et al. is not prior art under 35 U.S.C. §102(b). For the reasons set forth above, Claims 1-20 are submitted to be patentable over Fujino et al.

Moreover, Mikurak does not describe nor suggest the recitations of Claims 1, 9, and 11. Specifically, Mikurak does not describe nor suggest a server system that is configured to prompt the user to input a service engineer's analysis of customer's received engine, said analysis including a serial number for the received engine, authenticate each engine part using the received engine serial number, determine engine parts that are missing from the engine when received, and generate a missing-at-incoming report that describes the parts missing from the engine when received. Mikurak also does not describe nor suggest an apparatus for ordering parts, submitting warranty claims, and obtaining product and repair information for aviation parts, for internal users and external customers that includes an Online Overhaul Communication Module that is configured to prompt the user to input a service engineer's analysis of customer's received engine, the analysis including a serial number for the received engine, authenticate each engine part using the received engine serial number, determine engine parts that are missing from the engine when received, and generate a missing-at-incoming report that describes the parts missing from the engine when received. Moreover, Mikurak does not describe nor suggest prompting the user to input a service

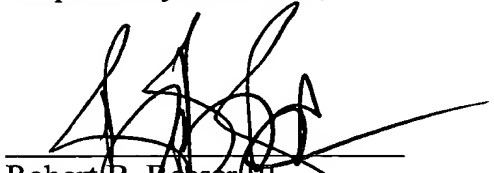
engineer's analysis of customer's received engine wherein the analysis includes a serial number for the received engine, authenticating each engine part using the received engine serial number, determining engine parts that are missing from the engine when received, and generating a missing-at-incoming report that describes the parts missing from the engine when received. Rather, Mikurak describes a web customer service that lists warranties for view by a user, checks the identity of the user, checks and compares the claim to the warranty to ensure that the claim meets warranty criteria, and routes the claim to the appropriate agent. For the reasons set forth above, Claims 1, 9, and 11 are submitted to be patentable over Mikurak.

Claims 2-8 depend from independent Claim 1, Claim 10 depends on Claim 9, and Claims 12-20 depend from independent Claim 11. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Claim 10 are considered in combination with the recitations of Claim 9, and Claims 12-20 are considered in combination with the recitations of Claim 11, Applicant submits that dependent Claims 2-8, 10, and 12-20 likewise are patentable over Mikurak.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-20 under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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